

## **REMARKS**

Reconsideration and withdrawal of the rejections of the application is respectfully requested in view of the remarks herein.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 4-6, and 9-11 are pending. Claims 2 and 4 have been amended, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents. Applicants specifically reserve the right to pursue the cancelled subject matter in a subsequent divisional or continuation application..

No new matter is added.

It is submitted that these claims as originally presented and as presented herein are patentably distinct from the prior art cited by the Examiner, and that these claims are and were in full compliance with the requirements of 35 U.S.C. §112. The amendments and remarks herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled..

### **II. THE DOUBLE PATENTING REJECTION IS OVERCOME**

Claims 1-6, 9-11, 26, 28, 30, and 32 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-9 and 18-30 of U.S. Patent No. 5,955,077. The rejection is respectfully traversed.

Submitted herewith is a Terminal Disclaimer. Consequently, reconsideration and withdrawal of the rejection is respectfully requested.

### **III. THE REJECTIONS UNDER 35 U.S.C. §112 ARE OVERCOME**

Claim 4 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the use of the phrase “derived” is objected to.

The rejections are respectfully traversed.

The amendments to the claims herein have removed the term “derived” from claim 4. Accordingly, it is believed that the rejection is now moot. Consequently, reconsideration and withdrawal of the rejections under 35 U.S.C. §112, second paragraph, are respectfully requested.

**IV. RECOMMENDATIONS TO THE CLAIMS HAVE BEEN CONSIDERED**

The Office Action recommended that claim 2 be amended to change “substantial” to “substantially” to put claim 2 in conformance with the remainder of the claims. The amendment herein amends claim 2 as suggested, and the Examiner is thanked for bringing this inconsistency to the Applicants’ attention.

**CONCLUSION**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herein, which place the application in condition for allowance. Prompt issuance of a Notice of Allowance is earnestly solicited.

The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully submitted,

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